

REMARKS/ARGUMENTS

Claims 1-38 are pending in the application. The Examiner has rejected claims 1-38. Applicant respectfully requests reconsideration of claims 1-38.

The Examiner has rejected claims 1-5, 7-9, 11, 17, 20-24, 26-28, 30 and 36 under 35 U.S.C. §102(e) as allegedly being anticipated by Hooper (US Patent No. 7,126,952 A1). Applicant respectfully disagrees.

Regarding claims 1 and 20, Applicant notes MPEP § 2131 provides as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)...."The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)."

Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claims 1 and 20. As one example, Applicant submits the cited portions of the cited reference fail to disclose "marking packets carrying the Layer-3 control information." While the Examiner cites "(setting flags and fields in packet header for layer-3 destination and routing control)," Applicant submits the Examiner fails to cite any portion of the cited reference as allegedly disclosing "packets carrying the Layer-3 control information." Moreover, Applicant submits the Examiner fails to cite any portion of the cited reference as allegedly disclosing "marking" such packets.

As another example, Applicant submits the cited portions of the cited reference fail to disclose "encapsulating the packets at Layer-2." While the Examiner cites "(Data link level) (See Fig. 4 and 5, Col. 6, lines 36-60)," Applicant notes "Col. 6, lines 36-60" begins, "Referring now to FIG. 4, an management arrangement 80 for forwarding table structures 90 that are stored in memory is shown." The only mention Applicant finds of encapsulation in "Col. 6, lines 36-60" is in lines 59 and 60, which state, "All these tables may require that the packet be decapsulated or encapsulated." Applicant submits such teaching fails to disclose "encapsulating the packets at Layer-2." Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 1 and 20 are in condition for allowance.

Regarding claims 2, 3, 17, 21, 22, and 36, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claims 2, 3, 17, 21, 22, and 36. As one example, Applicant submits the cited portions of the cited reference fail to disclose "marking the packets using a unique protocol identifier." As another example, Applicant submits the cited portions of the cited reference fail to disclose "marking the packets using a link-local MPLS label." As yet another example, Applicant submits the cited portions of the cited reference fail to disclose "encapsulating the packets according to control encapsulation." While the Examiner states, "Hooper et al. further teaches that the filed could be encapsulation identifier (See Fig. 5, Col. 7, lines 5-45) or MPLS label (See Fig. 4, Col. 6, lines 36-60)," Applicant submits the portions of the cited reference cited by the Examiner fail to disclose "...a unique protocol identifier," "...a link-local MPLS label," or "encapsulating the packets according to control encapsulation." Moreover, Applicant submits the portions of the cited reference cited by the Examiner fail to disclose "marking the packets using a unique protocol identifier" or "marking the packets using a link-local MPLS label." Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 2, 3, 17, 21, 22, and 36 are in condition for allowance.

Regarding claims 4, 5, 23, and 24, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claims 4, 5, 23, and 24. As one example, Applicant submits the cited portions of the cited reference fail to disclose "applying interface groups to determine when marking of control packets is to be done." As another example, Applicant submits the cited portions of the cited reference fail to disclose "applying interface groups to packet communications within a particular interface group." While the Examiner states, "Hooper et al. further teaches that applying interface groups to packet communications within a particular interface group when marking of control packets is to be done (as to use a multilayer generic look-up process that performs classification and policing for classifying control packets) (See Fig. 4, Col. 6, lines 18-24)," Applicant submits the portions of the cited reference cited by the Examiner fail to disclose "...interface groups...." Moreover, Applicant submits the portions of the cited reference cited by the Examiner fail to disclose "applying interface groups to determine when marking of control packets is to be done" or "applying interface groups to packet communications within a particular interface group." Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 4, 5, 23, and 24 are in condition for allowance.

Regarding claims 7-9, 11, 26-28 and 30, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claims 7-9, 11, 26-28 and 30. As one example, Applicant submits the cited portions of the cited reference fail to disclose "applying interface groups to packet communications within a customer-specific interface group." As another example, Applicant submits the cited portions of the cited reference fail to disclose "applying interface groups to packet communications within a peer interface group." As yet another example, Applicant submits the cited portions of the cited reference fail to disclose "applying interface groups to packet communications between interface groups." As a further example, Applicant submits the cited portions of the cited reference fail to disclose "applying interface groups to packet communications between customer-specific and peer interface groups." While the Examiner states, "Hooper et al. further teaches that applying interface groups to packet communications within a customer-specific interface group or a peer interface group (e.g., on layer-2 or layer-3 connection types) (See Fig. 4, Col. 6, lines 36-60)," Applicant submits the portions of the cited reference cited by the Examiner fail to disclose "...interface groups...." Furthermore, Applicant submits the portions of the cited reference cited by the Examiner fail to disclose "...within a customer-specific interface group," "...within a peer interface group," "...between interface groups," or "...between customer-specific and peer interface groups." Moreover, Applicant submits the portions of the cited reference cited by the Examiner fail to disclose "applying interface groups to packet communications within a customer-specific interface group," "applying interface groups to packet communications within a peer interface group," "applying interface groups to packet communications between interface groups," "applying interface groups to packet communications between customer-specific and peer interface groups." Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 7-9, 11, 26-28 and 30 are in condition for allowance.

The Examiner has rejected claims 6, 10, 12, 16, 18-19, 25, 29, 31, 35 and 37-38 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hooper, et al. (US Patent No. 7,126,952 A1) in view of Ramfelt, et al. (US Patent No. 6,731,652 B2). Applicant respectfully disagrees.

Regarding claims 6 and 25, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claims 6 and 25. As one example, Applicant submits the cited portions of the cited reference fail to disclose or suggest "applying interface groups to packet communications within a backbone interface group." The Examiner acknowledges, "Hooper et

al....did not disclose expressly the particular application involving limitations of "applying interface groups to packet communications within a backbone interface group." The Examiner states, "Ramfelt et al. teaches a similar dynamic control method for layer 2/3/4 packets in MPLS network wherein packets are classified at the interface port (12) and backplane (14) (See Fig. 1, Col. 2, lines 35-49)." The Examiner further states, "...it would have been obvious...to combine Ramfelt et al. with Hooper et al. in order to obtain a similar dynamic control method for layer 2/3/4 packets in MPLS network and to take advantage of classifying packets at the interface port and backplane to provide a high degree of label switching flexibility at the line rate (See. Col. 1 lines 46-53)." Nevertheless, Applicant sees no teaching or suggestion in the cited portions of either the Hooper et al. or Ramfelt et al. references as to "...within a backbone interface group." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 6 and 25 are in condition for allowance.

Regarding claims 10, 12, 29 and 31, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claims 10, 12, 29 and 31. As one example, Applicant submits the cited portions of the cited reference fail to disclose or suggest "applying interface groups to packet communications between backbone and customer-specific interface groups." As another example, Applicant submits the cited portions of the cited reference fail to disclose or suggest "applying interface groups to packet communications between backbone and peer interface groups." The Examiner states, "Ramfelt et al. further teaches that applying interface groups to packet communications between backplane and customer-specific interface groups or a peer interface group (I/O port interface) (See Fig. 1, Col. 2, lines 35-49)." The Examiner fails to allege any motivation or suggestion to combine such alleged teachings to purportedly yield the subject matter of claims 10, 12, 29, and 31. Moreover, Applicant sees no teaching or suggestion in the cited portions of either the Hooper et al. or Ramfelt et al. references as to "...between customer-specific and peer interface groups" or "...between backbone and peer interface groups." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 10, 12, 29 and 31 are in condition for allowance.

Regarding claims 16 and 35, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claims 16 and 35. As one example, Applicant submits the cited

portions of the cited reference fail to disclose or suggest "applying interface groups to communication of packets from Network Operations Center (NOC) hosts." The Examiner states, "Ramfelt et al. further teaches that the host 16 communication to all nodes in the backplane 14 (See Fig. 1, Col. 2, lines 35-49)." The Examiner fails to allege any motivation or suggestion to combine such alleged teachings to purportedly yield the subject matter of claims 16 and 35. Moreover, Applicant sees no teaching in the cited portions of either the Hooper et al. or Ramfelt et al. references as to "...communication of packets from Network Operations Center (NOC) hosts." Furthermore, Applicant sees no teaching or suggestion in the cited portions of either the Hooper et al. or Ramfelt et al. references as to "applying interface groups to communication of packets from Network Operations Center (NOC) hosts." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 16 and 35 are in condition for allowance.

Regarding claim, 18, 19, 37, and 38, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claims 18, 19, 37, and 38. As one example, Applicant submits the cited portions of the cited reference fail to disclose or suggest "receiving unmarked control packets using rate-limited queues." As another example, Applicant submits the cited portions of the cited reference fail to disclose or suggest "receiving the packets as received packets; and processing the received packets at a line rate." The Examiner states, "Ramfelt et al. further teaches that processing the received packets at a line rate using rate-limited queues (See Col. 1 lines 46-53)." The Examiner fails to allege any motivation or suggestion to combine such alleged teachings to purportedly yield the subject matter of claims 18, 19, 37, and 38. Moreover, Applicant sees no teaching in the cited portions of either the Hooper et al. or Ramfelt et al. references as to "...processing the received packets at a line rate." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 18, 19, 37, and 38 are in condition for allowance.

The Examiner has rejected claims 13-15 and 32-34 under 35 U.S.C. §103(a) as allegedly being unpatentable over Ramfelt, et al. (US Patent No. 6,731,652 B2) in view of Hooper, et al. (US Patent No. 7,126,952 A1) and further in view of Hassink, et al. (US Patent Application No.2003/0112749 A1). Applicant respectfully disagrees.

Regarding claims 13-15 and 32-34, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claims 13-15 and 32-34. As one example, Applicant submits the cited portions of the cited reference fail to disclose or suggest "applying interface groups to communication of ICMP packets." As another example, Applicant submits the cited portions of the cited reference fail to disclose or suggest "applying interface groups to communication of ping packets." As yet another example, Applicant submits the cited portions of the cited reference fail to disclose or suggest "applying interface groups to communication of traceroute packets." The Examiner acknowledges "Hooper et al. and Ramfelt et al....did not disclose expressly the particular application involving limitations of 'applying interface groups to communication of ICMP, ping or traceroute packets." The Examiner states, "Hassink et al. teaches a similar method for correcting fault in MPLS packet path using LSP ping protocol in conjunction with control plane (See Fig. 7, page 4, paragraph [0036]) and ICMP or LSP echo request message (traceroute) (See page 14, paragraph [0011])." However, Applicant sees no teaching in the cited portions of the Hooper et al., Ramfelt et al., or Hassink et al. references as to "applying interface groups." Moreover, Applicant sees no teaching or suggestion in the cited portions of the Hooper et al., Ramfelt et al., or Hassink et al. references as to "applying interface groups to communication of ICMP packets," "applying interface groups to communication of ping packets," or "applying interface groups to communication of traceroute packets." Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the rejection is unsupported by the art and should be withdrawn. Therefore, Applicant submits claims 13-15 and 32-34 are in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date



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